

STEPHEN F. WILLIS.

[To accompany Bill H. R. No. 626.]

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APRIL 13, 1860.

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Mr. W. N. H. SMITH, from the Committee on Commerce, made the following

## R E P O R T.

*The Committee on Commerce, to whom the petition of Stephen F. Willis was referred, praying compensation for services rendered by him as weigher and inspector at the port of Beaufort, in North Carolina, have had the same under consideration, and report:*

The petitioner was weigher at the port of Beaufort, and in that capacity during the eighteen months preceding March 31, 1857, weighed for the government two thousand four hundred and twelve tons and nine hundred weight of iron. The compensation allowed by law for this service is three cents for each hundred and twelve pounds weighed. At this rate he was entitled to receive \$1,447 46. Through a misapprehension of the provisions of the act establishing the weigher's fees, he was paid at the rate of one and seven-eighth cents for each hundred weight, and the sum of \$904 66, leaving still due the petitioner \$542 80. The petitioner also prefers a claim for services alleged to have been rendered by him as inspector, amounting to \$100 75.

In reference to the last claim, while there has been no satisfactory evidence of its amount or validity produced before the committee, yet if there had been there are no circumstances connected with the case warranting its withdrawal from the proper officers of the Treasury Department, who have shown a willingness to adjust it upon fair terms.

From the other claim a deduction of \$301 is insisted on by the department, which sum is alleged to have been improperly paid to the petitioner upon a former settlement, for boat and hand hire incurred by him in weighing. This expense, according to the view of the case taken, properly belonged to the office of weigher, and should have been paid out of his fees.

Without intending to express a concurrence with this construction of the law which establishes the fees of that officer, there are other facts connected with the case which exempt it from the effects of such construction.

It appears from a letter of October 31, 1855, addressed by the late Secretary of the Treasury to the collector at Beaufort, that this expense was authorized in advance. The language of its concluding paragraph is this:

"For the necessary labor to assist the weigher in the discharge of his duties, and for the hire of a boat, if one be indispensable, the proper allowance will be made at the rates usual, and the *weigher's compensation will be the fees allowed by law.*"

Under this authority the expense was incurred, and the charge thereof allowed and paid to the petitioner, and his full fees, as was then supposed, also paid him.

To the mind of your committee no other reasonable interpretation could be put upon this letter than that which seems to have been put upon it by the collector; and were it otherwise, that officer seems to have felt himself authorized in advance to direct the employment of the boat and hands at the expense of the United States, and it would not be right now to refuse payment of an expense incurred upon the faith of this assurance, and still less after a settlement and allowance of it, to bring it forward to reduce a debt already due and owing.

Your committee therefore report a bill directing the payment of the balance due the petitioner for his fees as weigher, and recommend its passage.